

A. Inspection Information		
SITE / FIRM	INSPECTOR	INSPECTION #
Snowden Enterprises, Inc.	2655	PEI-015-C14

Remarks or Observations

INTRODUCTION

I, Jorge Hernandez, Environmental Scientist, conducted a neutral Producer Establishment Inspection (PEI) at Snowden Enterprises, Inc. (Snowden) located at 3257 East Central, Fresno, CA 93725. The facility EPA Establishment Number (EPA Est.) is 11195-CA-2.

INVESTIGATION

On October 29, 2013, I visited Snowden and met with Kirk Shermer, President. I informed Mr. Shermer that I would conduct a neutral PEI on behalf of the United States Environmental Protection Agency (U.S. EPA) and presented my federal credentials. I then issued the Notice of Inspection, Inspection Authorization Supplement, and U.S. EPA Small Business Resources forms.

I then asked Mr. Shermer what pesticide products are produced at the establishment. Mr. Shermer stated that Snowden produces The Fruit Doctor, EPA Reg. No. 11195-1. The Fruit Doctor is a sulfur dioxide fumigant.

I then explained to Mr. Shermer that I needed to review the following items: product labels, advertising material, bulk receiving records, sales records, repackaging agreements, and ready to ship product.

Mr. Shermer explained that Snowden does not have a repackaging or manufacturing agreement. He stated that the bulk sulfur dioxide raw material is not registered as a pesticide. He explained that Snowden receives the raw material in rail cars and then transfers the product into containers. According to the 2011 production report, Snowden reported the product as a repack. Since the bulk material received is not a registered pesticide, this would not be considered a repackaged product.

Mr. Shermer then provided the product labels, sales records, and receiving records (DOCSN10291326550101-0106JH). He stated no advertising material was available. I reviewed the receiving records and verified that the product was received from Chemtrade Logistics in Detroit, Michigan (DOCSN10291326550104JH). I also asked if any packaged product is exported. He stated no, which matched the establishment production report.

I then asked Mr. Shermer what types of containers were used to package the pesticide product. Mr. Shermer explained that the product was packaged in refillable cylinder tanks ranging from ½ to 2,000 pounds.

I then asked to see raw materials and product released for shipment. Mr. Shermer then showed me the packaged containers in the facility warehouse (PIN10291326550101-0110JH). I first reviewed a lot of 5 and 8 pound containers and found that two labels were affixed to the outer case (PIN10291326550101-0104JH, DOCSN10291326550101, DOCSN10291326550105JH). The cylinders were labeled with a smaller label and net contents tag (PIN10291326550105-0106JH, DOCSN10291326550106JH). I also reviewed 10 and 50 pound containers, which only had the main label attached (PIN10291326550107-0110JH, DOCSN10291326550101JH).

Mr. Shermer then showed me the rail cars that delivered the bulk sulfur dioxide (PIN10291326550111JH).

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I then met with Mr. Shermer for a closing conference. I then explained to Mr. Shermer that the cylinder labels referred to an Applicator Manual for additional uses and precautions. Mr. Shermer stated that the complete label and applicator manual (DOCSN10291326550102JH) was delivered with each shipment.

I then explained to Mr. Shermer that the complete label and applicator manual (DOCSN10291326550102JH) was labeled as Master Label, which was meant to be the label on file with U.S. EPA. He stated that the Master Label was submitted and approved by U.S. EPA and that is the label they distribute. I then concluded the inspection and left the establishment.

I later reviewed the labels provided and compared them to the U.S. EPA Pesticide Product Label System (PPLS) current label dated March 27, 2008. I found that the Master Label (DOCSN10291326550102JH) was amended based on comments by U.S. EPA and was organized as the cylinder label (page 1), user label (page 2), and Application Manual (page 3-11).

I then found that the use instructions label (DOCSN10291326550105JH) found during the inspection had instructions and use sites that were not included in the approved PPLS label. The use instructions are provided for Truck Fumigation-full load, Truck Fumigation-partial load, Gas Room Fumigation, and Rail Car Fumigation.

I also found that the smaller cylinder label (DOCSN10291326550106JH) did not match the language and format of the approved PPLS label. The label does not include First Aid statements and Precautionary Statements.

I also found that the larger cylinder label (DOCSN10291326550101JH) and the smaller cylinder label (DOCSN10291326550106JH) did not include the Net Contents. The labels state "See Attached Tag for Pounds Sulfur Dioxide Net Contents." The PPLS label also shows the same statement. According to the Label Review Manual and Code of Federal Regulations, the net contents must be on the label attached to the container.

CONCLUSION

Snowden Enterprises, Inc., EPA Est. 11195-CA-1, is manufacturing The Fruit Doctor, EPA Reg. No. 11195-1. The product is a gaseous pesticide that is refilled in cylinder tanks.

The product is not subject to the refillable container or repackaging regulations. The establishment is not subject to containment regulations. The facility was subject to the refillable container labeling regulations Checklist II (Exhibit A).

Based on the label review, I found that the product labels collected and observed during the inspection could be misbranded due to missing label statements and unapproved language.

Conclusions are subject to DPR/U.S. EPA final review and determination.